

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
  ) NO. 04-10017-GAO  
  )  
  )  
  )  
WILLIAM SMALLWOOD                         )

**ASSENTED TO MOTION TO CONTINUE SENTENCING HEARING**

Now comes the defendant, William Smallwood, and respectfully moves this Court to continue the sentencing hearing in the above-entitled matter until a date between December 14, 2004 and December 23, 2004. Alternatively, the defendant requests that the hearing be continued to any date after January 4, 2004.

In support of this motion, the defendant states that his sentencing hearing has been scheduled for November 22, 2004. Furthermore, the defendant's counsel has been engaged in a first degree murder trial in the Suffolk Superior Court since November 10, 2004 (Commonwealth v. Paul Pepicelli, No. 99-11307). The case is not expected to go to the jury for deliberation until at least November 30, 2004.

Additionally, the defendant's counsel has spoken with AUSA James Lang, and he has stated that he does not object to the defendant's request. For the reasons stated above, therefore, the defendant requests that his sentencing hearing be continued to one of the dates mentioned above.

Respectfully submitted,  
William Smallwood

By: /s/Randy Gioia  
Randy Gioia, Esq.  
Law Office of Randy Gioia  
24 School St. 8th Floor  
Boston, MA 02108  
(617) 367-2480  
BBO# 193480

**Affidavit**

I, Randy Gioia, am the attorney for William Smallwood. The assertions contained in the above motion are based on my own personal knowledge and upon information and belief and are true to the best of my knowledge and belief.

Signed under the pains and penalties of perjury this 19th day of November, 2004

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Randy Gioia